

NOTICE OF VIOLATION

Vecellio and Grogan, Inc.
Beckley, West Virginia

Docket No. 030-17525
License No. 47-19387-01

During an NRC inspection conducted on December 18-19, 1997, violations of NRC requirements were identified. In accordance with the "General Statement of Policy and Procedure for NRC Enforcement Actions," NUREG-1600, the violations are listed below:

- A. 10 CFR 20.1101⁶ states that the licensee shall periodically (at least annually) review the radiation protection program content and implementation.

Contrary to the above, as of December 19, 1997, the licensee had not performed an annual review of the radiation protection program for calendar years 1994-1996.

This is a Severity Level IV violation (Supplement IV).

- B. Condition 11 of License No. 47-19378-01 specifies a particular individual as the Radiation Protection Officer.

Contrary to the above, between November, 1992 and December 18, 1997, the individual named as the Radiation Protection Officer was not serving in that capacity in that the individual left the employ of the licensee during November, 1992.

This is a Severity Level IV violation (Supplement VI).

- C. Condition 14.A of License No. 47-19387-01 requires, in part, that sealed sources possessed under this license be tested for leakage and/or contamination at intervals not to exceed six months.

Contrary to the above, sealed sources possessed by the licensee were not tested for leakage and/or contamination at the required frequency. Specifically, the licensee tested one of its sources (device serial no. 11226) on May 2, 1994 and April 15, 1997, an interval in excess of six months. In addition, as of December 19, 1997, this source had not been tested since April 15, 1997, an interval in excess of six months. The licensee tested its other source (device serial no. 7367) on May 25, 1994, December 12, 1995, and January 13, 1997, intervals in excess of six months. In addition, as of December 19, 1997, this source had not been tested since January 13, 1997, an interval in excess of six months.

This is a Severity Level IV violation (Supplement VI).

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Pursuant to the provisions of 10 CFR 2.201, Vecellio and Grogan, Inc. is hereby required to submit a written statement or explanation to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555, with a copy to the Regional Administrator, Region II, within 30 days of the date of the letter transmitting this Notice of Violation (Notice). This reply should be clearly marked as a "Reply to a Notice of Violation" and should include for each violation: (1) the reason for the violation, or, if contested, the basis for disputing the violation or severity level, (2) the corrective steps that have been taken and the results achieved, (3) the corrective steps that will be taken to avoid further violations, and (4) the date when full compliance will be achieved. Your response may reference or include previous docketed correspondence, if the correspondence adequately addresses the required response. If an adequate reply is not received within the time specified in this Notice, an order or a Demand for Information may be issued as to why the license should not be modified, suspended, or revoked, or why such other action as may be proper should not be taken. Where good cause is shown, consideration will be given to extending the response time.

If you contest this enforcement action, you should also provide a copy of your response to the Director, Office of Enforcement, United States Nuclear Regulatory Commission, Washington, DC 20555-0001.

Under the authority of Section 182 of the Act, 42 U.S.C. 2232, this response shall be submitted under oath or affirmation.

Because your response will be placed in the NRC Public Document Room (PDR), to the extent possible, it should not include any personal privacy, proprietary, or safeguards information so that it can be placed in the PDR without redaction. If personal privacy or proprietary information is necessary to provide an acceptable response, then please provide a bracketed copy of your response that identifies the information that should be protected and a redacted copy of your response that deletes such information. If you request withholding of such material, you must specifically identify the portions of your response that you seek to have withheld and provide in detail the bases for your claim of withholding (e.g., explain why the disclosure of information will create an unwarranted invasion of personal privacy or provide the information required by 10 CFR 2.790(b) to support a request for withholding confidential commercial or financial information). If safeguards information is necessary to provide an acceptable response, please provide the level of protection described in 10 CFR 73.21.

Dated at Atlanta, GA
this 7th day of January, 1998